REMARKS

In the present application, claims 1-9, 11-21 and 23-28 are pending. Claims 1-9, 11-21 and 23-28 are rejected. As a result of these amendments, claims 1-9, 11-21 and 23-28 are believed to be in condition for allowance.

Objections

The Examiner objected to listing of the content of cancelled claim 22 so as to avoid a possible confusion to other pending claims. In the recitation of the pending claims beginning on page 2 above, the content of cancelled claim 22 has been removed. As a result, Applicants respectfully traverse the Examiner's grounds for objection.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 1-2, 4-5, 9, 11-14, 16-17, 21 and 23-28 as being unpatentable over Brennan et al. (U.S. 5,329,578) in view of Bissell et al. (U.S. 5,243,645) hereinafter referred to as Brennan and Bissell.

With respect to claim 1, the Examiner asserted that Brennan teaches various recited elements of the claim. The Examiner further asserted that "Brennan differs from the claimed invention in that it does not teach a system for modifying the user-specified profile based upon a location of the user. However, Bissell teaches the recited feature that shown [sic] in column 2, lines 6-11. Therefore, integrating Bissell's teachings into communication system of Brennan would have been obvious for saving call processing time due to high possibility of reaching the desired call recipient."

Applicants respectfully disagree with the Examiner's assertion. While the Examiner is correct in asserting that Brennan does not teach "modifying the user-specified profile based upon a location of the user", neither does Bissell teach this recited element. In addition, as Bissell is directed, generally, to automatically updating a data record in a centralized database to enable call forwarding, there is provided no motivation, in either Brennan or Bissell, for combining the automatic system of Bissell with the user defined profile of Brennan.

Claim 1 recites:

    1.   A telephone system for connecting callers and users,

comprising:

> user-specifiable means for defining at least one filter for filtering
> > incoming calls and taking user-definable responses on
> > incoming calls that satisfy the requirements of said at least
> > one filter, in which:
>
> the user specifies a profile;
>
> the user has the option of modifying parameters of the specified
> > profile, including specifying at least one filter in the profile
> > and specifying user-specifiable parameters thereof,
>
> the telephone system includes means for guiding the user through a
> > setup sequence; and
>
> the telephone system includes means for applying the user-
> > specified profile and for modifying the user-specified
> > profile based upon a location of the user.

As is evident, there is recited the telephone system modifying the user specified profile based upon a location of the user. It is specifically noted that the modification is applied to a user specified profile. It is further noted that, elsewhere in claim 1, there is recited that the user specified profile is comprised of at least one filter and specified parameters. In contrast, Bissell merely teaches updating a database record "that indicates the status of the subscriber's availability." The database record of Bissell is not "user specifiable" and, hence, is not equivalent to the recited user specified profile.

Turning to the Examiner's citation at column 2, lines 6-11, Bissell recites that "When the transaction or activity occurs, information describing both the subscriber and his/her location is forwarded to a centralized database in order to update a subscriber database record that indicates the status of the subscriber's availability, and if or where the subscriber may be reached." As is evident from this description, the database record is updated in response to a transaction.

Later, at column 6, lines 53-66, Bissell states "Referring now to FIG. 3, there is shown a logic flow diagram illustrating **a typical sequence of steps used to update a subscriber database record** in database 150 of FIG. 1 when a subscriber of the automatic message

forwarding system contemplated by the present invention initiates a transaction such as

making a credit card purchase. **This process is carried out in database 150 in response to**

information received from host computers 140 or 148 or from transaction processor 159

of FIG. 1. For the purposes of explanation, it is assumed hereafter that the information was

derived from host computer 140." (emphasis added). In this "typical" embodiment, there is

nowhere described a user specified profile. Rather, there is described a database record

updated by a host computer or a transaction processor.

While it is therefore evident that there is nothing in the teachings of Bissell regarding

such updates to indicate that the database record is "user specified" it is necessary to examine

the actual structure of the database record in order to determine if such user specification is

elsewhere taught. The structure of a database record is illustrated in Fig. 5 and described at

column 10, lines 8-51. It is evident from an inspection of Fig. 5 and the accompanying

explanatory text that the first eleven fields of the database structure are numeric numbers or

PLN identifiers and, as such, do not qualify as filters nor are they user-specified. Likewise

fields 408 and 409 are described to "contain callback information assembled for the

subscriber from calls that were attempted but not completed." As such, they are neither user-

specified, nor do they constitute a filter or filters. The only remaining field, field 407, is

described as "containing several flags that determine the services and preferences established

for the subscriber" (emphasis added). Note that not one of these flags is established by the

subscriber. In addition, the flow charts of Figs. 3 and 4 indicate nowhere that a database

record can be user specified.

There is quite simply nothing in the teachings of Bissell to teach or otherwise suggest

that it is a "user specified profile" that is being modified by the system based on a location of

a subscriber. Rather, it is specifically illustrated and described that the database record is

only modified by a host computer or transaction processor. Therefore, the Examiner is

incorrect in asserting that Brennan "does not teach a system for modifying the user-specified

profile based upon a location of the user. However, Bissell teaches the recited feature ...".

As has been shown, Bissell does not teach modifying a **user specified profile**.

In addition, as noted above, neither Brennan nor Bissell provide a motivation to

combine their teachings, such a combination neither suggested nor deemed appropriate.

Brennan discloses, generally, a subscriber accessible and modifiable profile. Referring to the

Examiner's reference to Column 13, lines 4-56, it is stated that "FIGS. 3b to 3e show a number of possible parameters that the subscriber can change from his or her profile." It is further noted that "The Subscriber Service Interface is directly accessed by the subscriber calling a special number ...". While describing in every exemplary embodiment, in considerable detail, the manner in which a subscriber can "change his or her profile", there is nowhere described a preference or parameter modified by an outside event or entity, such as a transaction as taught by Bissell. As noted in the Abstract, "the subscriber is given control over how the system will work for them in routing incoming calls." The description of Fig. 3b states "FIG. 3b is a general subscriber service interface flowchart showing how to specify a new location." As is evident from Fig. 3b, there is illustrated a method by which a subscriber can change his or her location. As a result, Brennan nowhere teaches or suggests the utility or desirability of providing modification to a subscriber's profile by any entity other than a subscriber. As noted above with reference to the Abstract, the subscriber has control over how the system works. This stated attribute of the system of Brennan does not suggest a combination with a teaching, such as that of Bissell, wherein the system is granted control over how the system works absent an input by the subscriber.

It is therefore evident that Bissell does not teach or suggest modifying the user-specified profile based upon a location of the user as recited in claim 1. As such, the combination of Brennan and Bissell, such a combination neither suggested nor deemed appropriate, similarly fails to teach this element. In addition, regardless of this deficiency in the teachings of Brennan and Bissell, there is provided no motivation to combine the teachings of Brennan with that of Bissell. As a result, the Examiner's rejection is respectfully traversed and it is asserted that claim 1 is in condition for allowance. . As all of claims 2, 4-5, and 9, 11, and 12 depend upon claim 1, they are likewise in condition for allowance. Claim 13 similarly recites "where the instructions further operate to modify the profile based upon a location of the user". As a result, for the reasons discussed above, claim 13 is likewise in condition for allowance. As claims 14, 16, 17, 21, and 23 depend upon claim 13, they are likewise in condition for allowance. Both of claims 24 and 26 recite language similar to claim 1 regarding modifying the profile based upon a location of the user. As a result, claims 24 and 26 are likewise in condition for allowance. As claims 25 and 27-28 depend upon claims 24 and 26, they are likewise in condition for allowance.
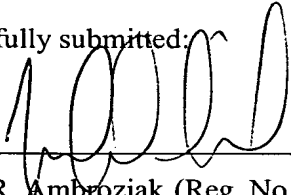
The Examiner rejected claims 3, 6-8, 15, and 18-20 as being unpatentable over Brennan et al. in view of Bissell and in further view of Shaffer et al. (6,600,817). Specifically, the Examiner asserted that "The integrated system of Brennan and Bissell fails to teach the limitations of claims 3, 6-8, 15 and 18-20. However, Shaffer teaches the recited limitations substantially as claimed . . .".

Neither Brennan nor Bissell nor Shaffer, taken alone or in combination, such a combination neither suggested nor deemed appropriate, teach or suggest a telephone system wherein the telephone system modifies the user specified profile based upon a location of the user as recited in independent claims 1 and 13.
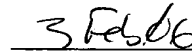
Therefore, for the reasons discussed above, claims 1 and 13 are in condition for allowance. As a result, as claims 3, 6-8, 15, and 18-20 depend upon claims 1 and 13, they are likewise in condition for allowance.

Respectfully submitted:

_____
Jeffrey R. Ambroziak (Reg. No. 47,387)
HARRINGTON & SMITH, LLP
4 Research Drive
Shelton, CT 06484-6212
Telephone: (203)925-9400
Facsimile: (203)944-0245
Customer No. 29683

3 Feb 06
_____
Date

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

Appl. No. 10/607,107
Amdt. Dated, February 3, 2006
Reply to Office Action of October 4, 2005

2/3/2006   _Elaine F. Mian_

Date   Name of Person Making Deposit